

**Remarks:**

Applicant has read and considered the Office Action dated June 17, 2004 and the references cited therein. Claims 1, 3, 6, 12 and 13 have now been amended. Claims 4 and 5 have been canceled. New claims 21-22 have been added. Claims 1-3 and 6-22 remain pending in the application.

Claims 1, 2, 7-11 and 16-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Falcioni*. Applicant respectfully asserts that *Falcioni* neither teaches nor suggests the present invention. Claim 1 recites a conveyor apparatus comprising a conveyor having a direction of travel from a receiving end to a delivery end. Claim 1 further recites a separator assembly proximate the delivery end, wherein the separator assembly comprises first and second rotating brushes having an axis of rotation substantially transverse to the conveyor direction of travel. Applicant fails to see structure in the *Falcioni* reference that anticipates the present invention. A marked up copy attached to the Action shows a debris removal stage 11 and a washing belt 5, cleaning a rinsing roller 12 and a drying squeegee 14. The marked up copy also identifies idler wheels 15. However, the marked up copy of *Falcioni* fails to teach or suggest a separator assembly proximate the delivery end. Moreover, there is no teaching or suggestion of first and second rotating brushes. *Falcioni* does not teach or suggest any sort of brushes or equivalent and does not teach a separator assembly. *Falcioni* merely suggests squeegees and rollers, but no brushes and no separating assembly.

The *Falcioni* reference utilizes a belt conveyor, which would require different structure to clean. *Falcioni* relates to a belt having paint cleaned from its surface. The present invention utilizes link type chain conveyors, which cannot utilize any sort of squeegee or roller for separation of debris. The present invention does not use a scraper, a wash or rinse or cleaning solvent, or idler wheels for drying or suction. The present invention recites that the separator assembly is proximate the end of the conveyor and utilizes a pair of rotating brushes. *Falcioni* fails to teach or suggest any sort of brush structure or such a separator assembly. Applicant

asserts that upon review of the structure actually shown in the reference, the present invention patentably distinguishes over *Falcioni*. Applicant asserts that claim 1 patentably distinguishes over *Falcioni* and that the claims depending therefrom also distinguish over *Falcioni*.

Claim 15 recites a method of removing unwanted matter from a crop having a mean diameter. The method comprises providing a conveyor for separating and transporting unwanted matter and crop. The method further recites positioning first and second parallel brushes proximate the delivery end of the conveyor and rotating the brushes in a direction away from the conveyor, allowing crop to fall below the brushes and propelling unwanted matter over the brushes. *Falcioni* neither teaches nor suggests such a method. As stated above, *Falcioni* fails to teach or suggest any sort of brushes or equivalent in its conveyor assembly. Moreover, *Falcioni* neither teaches nor suggests separation of crop and unwanted matter. *Falcioni* only teaches removing paint from the belt conveyor. There is no need to separate materials with *Falcioni* as there is in the present invention. Moreover, the conveyor of the present invention provides for transporting and separating debris and crop. *Falcioni* utilizes a belt conveyor that neither teaches nor suggests transportation of crop and debris and separation of the debris from the crop. As *Falcioni* fails to teach or suggest any sort of brush assembly and fails to teach or suggest parallel rotating brushes, *Falcioni* cannot teach rotating the brushes in a direction away from the conveyor allowing crop to fall below the brushes and propelling unwanted matter over the brushes. Applicant asserts that claim 15 patentably distinguishes over *Falcioni* for these reasons and others.

Claims 1, 2, 9 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Straub*. *Straub* again relates to a device for cleaning the transport belt. The present invention does not relate to a transport belt, but is a different device, with a different link type chain conveyor. The chain conveyor of the present invention does not require cleaning as *Straub* does. The method and structure utilized for cleaning are substantially different from the separation that occurs with the present invention. Applicant has reviewed the *Straub* reference, but fails to find a separator assembly with rotating brushes. Rather, Applicant asserts that the Examiner has

identified only a drying/suction belt structure, element 5, which provides both wash and rinse and a debris-removal scraper edge. Moreover, Applicant notes that the Examiner states that the wash and rinse is wheel shaped as claimed. Applicant fails to see how this structure anticipates the present invention, as the recited structure is not shown. A wheel shape is not claimed by the present invention. Moreover, neither a scraper nor a drying/suction belt nor structure that provides wash and rinse are recited anywhere in the claims. Applicant asserts that *Straub* fails to teach or suggest any sort of brushes or rotating brushes that separate debris from a crop. Applicant asserts that none of the cited references show any sort of brushes utilized in a separator assembly. Applicant asserts that claim 1 distinguishes over *Straub* for the same reasons stated above with regard to *Falcioni*.

Moreover, claim 12 recites an agricultural harvester apparatus for an agricultural crop comprising a removal system for removing crop and debris from vegetation. The apparatus includes a first conveyor transporting the removed crop and debris and a separator assembly at an end of the conveyor near an edge of the harvester, the separator assembly comprising two substantially parallel brushes rotating away from the conveyor toward the edge. *Straub* neither teaches nor suggests any sort of agricultural apparatus. Moreover, *Straub* neither teaches nor suggest a removal system for removing crop and debris from vegetation. Although *Straub* appears to teach a conveyor, the conveyor of *Straub* is a belt type conveyor used for producing a web material. The conveyor of the present invention is used for transporting crops.

Claim 12 further recites a separator assembly at the end of the conveyor, a separator assembly comprising two substantially parallel brushes rotating away from the conveyor and toward the edge. *Straub* fails to teach any sort of brushes or brush assembly or equivalent. Applicant asserts that claim 12 distinguishes over *Straub* as the recited structure and marked up drawings fail to teach or suggest the recited elements. Moreover, the present invention and claim 12 provide advantages over *Straub* that are not obvious to one of ordinary skill in the art. Applicant asserts that claim 12 and the claims depending therefrom are in condition for allowance.

Claims 3-6 and 13-15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 3 has been rewritten in independent form. Claims 4 and 5 have been canceled, but have been rewritten as new claims 21 and 22, which are believed to be allowable. Claim 13 has been rewritten in independent form and claim 14 depending therefrom is also believed to be allowable. Applicants assert that claim 15 was an independent claim and should not have been objected to. However, Applicants assert that claim 15 is allowable as discussed above. Applicant thanks the Examiner for the indication of allowable subject matter.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.


Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: \_\_\_\_\_

9/17/04

By: \_\_\_\_\_

  
Gregory A. Sebald  
Reg. No. 33,280  
GAS/km